



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/672,162	09/27/2000	Eric P. Berg	Pager

Mark R Wisner  
 WISNER & ASSOCIATES  
 Suite 400  
 1177 West Loop South  
 Houston, TX 77027-9012

CONFIRMATION NO. 6610

## FORMALITIES LETTER



\*OC000000014977347\*

Date Mailed: 01/18/2005

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 395 to complete the basic filing fee for a small entity.*
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$500** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$960** for a Small Entity

- **\$395** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$500**
  - **\$200** for 2 independent claims over 3.
  - **\$300** for 12 total claims over 20.

01/18/2005 HSELEY1 00000000 05070161

01 FC:2001  
 02 FC:2031  
 03 FC:2201  
 04 FC:2402

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Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to be 'JP' or similar, written above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

In re Application of:  
Eric P. Berg

Serial No.: 09/672,162

Filed: September 27, 2000

For: **PAGING FOR REMOTE  
DISCONNECT SYSTEMS**

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Atty Docket No.: NIGA,002

Examiner: Unknown

Group Art Unit: 2635

MAIL STOP MISSING PARTS  
COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Mark R. Wisner, Registration No. 30,603

April 18, 2005  
Date of Signature

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Dear Sir:

Applicant hereby responds to the Notice to File Missing Parts of Nonprovisional Application mailed in the captioned application on January 18, 2005. Applicant encloses the following in response to the Notice to File Missing Parts:

- Request for Extension of Time to Respond for one month;
- Form PTO-2038 authorizing a charge to the credit card listed thereon in the amount of \$1020.00 (\$60.00 for the one month extension of the time to respond and \$960.00 being the amount listed as being due on the Notice to File Missing Parts);
- Part 2 - Copy (of Notice to File Missing Parts) to be returned with response; and
- Part 2 - Copy (of Withdrawal of Previously Sent Notice) to be returned with response.

It is respectfully requested that the enclosed payment be applied as the filing fee payment for the captioned application in full response to the Notice of Missing Parts.

Applicant hereby petitions for a refund of a portion of the enclosed fees in an amount to be determined by the Office. This petition for refund is made on the following basis.

The captioned application was filed September 27, 2000, but was deemed abandoned for failure to respond to a Notice of Missing Parts mailed November 13, 2000. Applicant did not discover that the application was abandoned until August 2004 (*see* the Petition to Withdraw Abandonment filed August 20, 2004). However, as set out in Applicant's Petition to Withdraw Abandonment, a proper response to that Notice of Missing Parts was filed by Applicant (with a request for a two-month extension of time) on March 6, 2001. The Office mailed a December 22, 2004 communication granting that Petition to Withdraw Abandonment stating that:

"The application was abandoned in error. The [O]ffice regrets any inconvenience this may have caused the client."

During the time since the Office erroneously deemed the application abandoned and the present, application filing fees have increased. Had the Office not made this error, the filing fee would have been paid at a lower rate than the \$960.00 filing fee required by the Notice of Missing Parts mailed January 18, 2005.

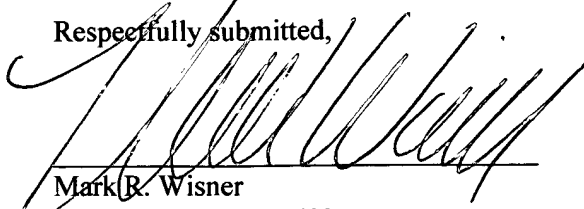
It is therefore respectfully submitted that the amount of the filing fee due in this application should be the filing fee that was required to be paid in 2001, not 2005, so that Applicant is not required to pay for the Office's admitted error. The December 22, 2004 communication granting Applicant's Petition to Withdraw Abandonment even states that the Office regrets the inconvenience caused by its error. In addition to regretting the inconvenience, it is respectfully submitted that the Office should also refund the difference between the enclosed payment for filing a patent application based on the current fee schedule and the filing fee required by the fee schedule in effect in 2001. Because Applicant's Attorney does not have a copy of a 2001 fee schedule, it is respectfully requested that the refund of this difference in filing fees be made in an amount to be calculated by the Office. The refund can be made by credit to the credit card listed on the enclosed Form PTO-2038 or by credit to the Deposit Account of Wisner & Associates, Account No. 50-0965 (NIGA,002).

In the event the enclosed Form PTO-2038 listed as being enclosed herewith is inadvertently not enclosed, is insufficient in amount, or if the Form PTO-2038 is inadvertently not signed, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (NIGA,002) in the amount of the applicable fees. Upon receipt of the enclosed filing fee payment, early and favorable action on the petition for refund set out herein and on the captioned application is also requested.

Please affix the date stamp of the Office and return the enclosed post card to evidence the receipt of this Response. In the event there are questions regarding this Response, or the

petition for refund set out herein, it is respectfully requested that the undersigned Attorney for Applicant be contacted at the address and phone number set out below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Wisner', written over a horizontal line.

Mark R. Wisner

Registration No. 30,603

Wisner & Associates

1177 West Loop South, Suite 400

Houston, TX 77027

Telephone: (713) 785-0555

Facsimile: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: April 18, 2005



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CONFIRMATION NO. 6610

## WITHDRAWAL NOTICE



\*OC000000014810262\*

Date Mailed: 01/18/2005

## WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice of Abandonment mailed on 08/20/2002 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. The Office regrets any inconvenience the error may have caused.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

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